



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5560

Introduced 01/27/06, by Rep. Lee A. Daniels

SYNOPSIS AS INTRODUCED:

New Act

Creates the Olmstead Readiness Act. Requires the Department of Human Services (DHS) to conduct an assessment of individuals with disabilities to determine whether they have an interest in moving and are appropriate to move out of their current setting to the most integrated setting. Defines "most integrated setting" as a setting that enables a person with a disability to interact with non-disabled persons to the fullest extent possible and that is appropriate to meet the needs of the person with a disability. Requires DHS to maintain a viable network of home and community based providers to meet the needs of individuals with disabilities in the most integrated setting. Provides that discharge plans to most integrated settings must include provisions for an individual's return to a more intensive level of support or service when the individual's health or personal safety requires it or when the individual's treatment plan suggests a need for crisis or emergency intervention or long-term supports and services. Requires DHS to make a report by December 1, 2007. Provides that before full implementation of the Act, DHS must review all applicable rules and regulations governing staffing requirements for maintaining levels of quality supports and services by January 31, 2008 and make a report by April 15, 2008.

LRB094 17099 DRJ 52384 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Olmstead Readiness Act.

6 Section 5. Purpose. It is the intent of the General
7 Assembly to ensure that Illinois implements a plan consistent
8 with the decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and
9 that a system of community supports and services is prepared
10 for a successful implementation and transition of people who
11 are appropriate and choose the most integrated setting.

12 Furthermore, the intent of this Act is to provide a
13 framework for steps Illinois must take to ensure a successful
14 implementation of the Olmstead decision. To that end, Initial
15 Technical Assistance Recommendations Regarding Developing
16 Comprehensive, Effectively Working Plans, issued to states on
17 January 15, 2000, by the United States Department of Health and
18 Human Services, shall guide the efforts of implementation,
19 along with other sources of support including, but not limited
20 to, the Disabilities Services Advisory Committee.

21 Section 10. Definitions. As used in this Act:

22 "Department" means the Illinois Department of Human
23 Services.

24 "Disabilities Services Advisory Committee" means the
25 Committee appointed by the Governor pursuant to the
26 Disabilities Services Act of 2003.

27 "Most integrated setting" means a setting that enables a
28 person with a disability to interact with non-disabled persons
29 to the fullest extent possible and that is appropriate to meet
30 the needs of the person with a disability.

31 "Participant-centered service planning" includes:

1 (1) An assessment with comprehensive information
2 concerning each participant's preferences, needs, and
3 abilities.

4 (2) Participant decision-making when information and
5 support are available to help participants make informed
6 selections between service options.

7 (3) Free choice of providers when information and
8 support are available to assist participants to freely
9 choose between qualified providers.

10 (4) A service plan whereby each participant's plan
11 comprehensively addresses his or her identified need for
12 home or community based services, health care, and other
13 services in accordance with his or her own expressed
14 personal preferences and goals.

15 (5) Participant direction whereby participants have
16 the authority and are supported to direct and manage their
17 own services to the extent they wish.

18 Section 15. Assessment. An assessment of individuals with
19 disabilities shall take place to determine whether they have an
20 interest in moving and are appropriate to move out of their
21 current setting to the most integrated setting. The assessment
22 shall include all relevant information available to determine
23 what supports and services are necessary to help them
24 transition to the most integrated setting.

25 Section 20. Provider capacity and capabilities. In order to
26 meet the needs of individuals with disabilities in the most
27 integrated setting, a viable network of home and community
28 based providers shall be maintained so that:

29 (1) There are sufficient qualified agency and
30 individual providers to meet the needs of people with
31 disabilities in their communities.

32 (2) All home and community based agency and individual
33 providers possess the requisite skills, competencies, and
34 qualifications to support participants effectively.

1 (3) All home and community based providers demonstrate
2 the ability to provide supports and services in an
3 effective and efficient manner consistent with the
4 individual's participant-centered service plan.

5 Section 25. Review of rates and reimbursements.
6 Reimbursements and rate methodologies shall:

7 (1) Cover the costs associated with providing supports
8 and services for individuals with disabilities in the most
9 integrated setting.

10 (2) Be re-evaluated by the Department annually to
11 determine whether they cover the cost of supports and
12 services for individuals with disabilities in the most
13 integrated setting. This re-evaluation shall be shared
14 with the Disabilities Services Advisory Committee and the
15 General Assembly effective December 1, 2007 and
16 thereafter.

17 (3) Support the development of individualized
18 treatment plans for people who choose and are appropriate
19 in their current day and residential settings.

20 Section 30. Crisis or emergency intervention. Significant
21 changes in the person with a disability's needs or
22 circumstances shall promptly trigger consideration of
23 modifications in his or her participant-centered service plan.
24 Discharge plans to the most integrated setting must include
25 provisions for the person's return to a more intensive level of
26 support or service when the person's health or personal safety
27 requires it or when the individual treatment plan suggests a
28 need for crisis or emergency intervention or long-term supports
29 and services.

30 Section 35. Information and dissemination. Information and
31 dissemination shall be conducted consistent with the
32 philosophy of participant-centered service planning to ensure
33 that people with disabilities are informed of their right to

1 transition to the most integrated setting that is appropriate
2 and chosen.

3 Section 40. Growing crisis of direct care staff. The key to
4 transitioning individuals to the most integrated setting is to
5 ensure that a stable workforce is adequately reimbursed and is
6 available. Prior to full implementation of this Act, all
7 applicable rules and regulations governing staffing
8 requirements for maintaining levels of quality supports and
9 services shall be reviewed by January 31, 2008. Any required
10 revisions shall be completed by March 31, 2008 and submitted to
11 the Disabilities Services Advisory Committee and the General
12 Assembly by April 15, 2008.

13 Section 45. Implementation. The rate at which individuals
14 transition to the most integrated setting is directly dependent
15 on the investment of appropriate resources by the State of
16 Illinois.

17 Section 50. Evaluation. This Act requires an annual update
18 on the State's efforts toward implementation of an Olmstead
19 plan to determine whether current actions and steps are still
20 relevant and in sync with the data collected in the Cross
21 Disabilities Database. This report shall be furnished to the
22 Disabilities Services Advisory Committee, the Governor, and
23 the General Assembly effective December 1, 2007 and thereafter.
24 In addition, annual reports shall be filed with the Governor,
25 the General Assembly, and the Disabilities Services Advisory
26 Committee as to the progress of the Illinois' Olmstead Plan and
27 the community's ongoing readiness to meet the needs of
28 individuals with disabilities who choose to and are appropriate
29 to transition to the most integrated setting.

30 Section 55. Rules. The Disabilities Services Advisory
31 Committee Implementation Plan shall govern the implementation
32 of this Act under Section 45.